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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,521	08/02/2001	Victor Kouznetsov	NET AP010	6807
28875	7590	11/17/2004	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			HOSSAIN, TANIM M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/921,521	KOUZNETSOV ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tanim Hossain	2141	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/2/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5, 6, 7, 9, 11, 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanning et al. (U.S. 6,742,023) in view of Sull (U.S. 2002/0069218), in further view of Cooper (U.S. 2001/0051996).

As per claim 1, Fanning teaches a method for securely confirming performance of task by a peer in a peer-to-peer network, comprising: receiving a response to a search request containing a local alias URL, the local alias URL pointing to a destination on a responding server node (column 3, lines 17-18, 50-52; column 10, lines 49-65; where the returned results and data file descriptions are in URL form, and the user selects these results, which correspond to servers containing the data file, to initiate download); and forwarding the task to the local alias URL for performance of the task by the responding server node (column 12, lines 8-28). Fanning does not specifically teach broadcasting a request over the network by a requesting peer for a task with respect to a remote non-local backend server. Sull teaches the limitation of broadcasting a task request to peer nodes over a network (page 35, paragraph 455). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a process to broadcast a

Art Unit: 2145

search request to peer nodes on a network, as taught by Sull in the system of Fanning. Both inventions are from the same field of endeavor, namely the sharing of data files through a network. The motivation to combine teachings lies in the fact that the success of Fanning's invention is dependent on peer node participation. Broadcasting a search request to involve many nodes in a network would achieve this end, and would thus have been obvious to include. Fanning does not specifically teach the verifying of a digital signature of any receipt packet received from the responding server node to ensure that the receipt packet is from the remote non-local backend server. Cooper teaches the limitation of verifying a digital signature of a packet received from a server (page 2; paragraphs 0017, 0019). It would have been obvious to one of ordinary skill in the art at the time of the invention to include an authentication procedure to ensure that the files received are legitimate and safe, as taught by Cooper in the system of Fanning. The motivation for combining teachings is predicated on the fact that both inventions are from the same field of endeavor, namely the efficient network distribution of data, in a safe and seamless manner. There also exists a need to ensure that downloaded files are safe for use and come from a trusted source from which the file was originally downloaded, so as to prevent viruses and other inconveniences, which are rampant since the advent of network data transfer. Cooper's teaching in the system of Fanning would solve this problem and would thus have been obvious.

As per claim 3, Fanning-Sull-Cooper teaches a method for securely confirming performance of task by a peer of claim 1, further comprising awaiting a maximum upload receipt time period for receiving the receipt packet (Fanning: column 3, lines 40-43).

As per claim 5, Fanning-Sull-Cooper teaches a method for securely confirming performance of task by a peer of claim 3, wherein the maximum upload receipt time period is determined based upon at least one of size of task being performed, transmission speed, and frequency of which the responding server node performs the task (Fanning: column 10, line 66 – column 11, line 5; column 11, lines 19-30).

As per claim 6, Fanning-Sull-Cooper teaches a method for securely confirming performance of task by a peer of claim 1, wherein the digitally signed response is signed by a VeriSign digital certificate (Cooper: pages 9-10; paragraph 134). Fanning-Sull-Cooper does not specifically teach the use of 1024 bits in the certificate. Official notice is taken that 1024 bits in a VeriSign digital certificate is well known to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the well-known component of a 1024-bit VeriSign digital certificate into the VeriSign digital certificate of the Fanning-Sull-Cooper system, because it would achieve higher security and file integrity, leaving the files less susceptible to decryption and hacking.

As per claim 7, Fanning-Sull-Cooper teaches a method for securely confirming performance of task by a peer of claim 1, further comprising broadcasting a message indicating that the requesting peer has located the responding server node (Fanning: column 12, lines 8-13; where the downloading from the server would necessitate the reception of a message that the requestor has located the responding server, embodied by the search results).

Art Unit: 2145

Claims 9, 11, 13, 14, and 15 are rejected on the same bases as 1, 3, 5, 6, and 7 respectively, as claims 9, 11, 13, 14, and 15 disclose media and storage for implementing the method of claims 1, 3, 5, 6, and 7.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fanning-Sull-Cooper in view of Barkan (U.S. 5,864,667).

As per claim 2, Fanning-Sull-Cooper teaches a method for securely confirming performance of task by a peer of claim 1, but does not specifically teach the placement of the server node in a black list of the requesting peer if said verifying is unsuccessful. Barkan teaches the placement of a server, whose key is compromised or not verified, onto a server blacklist (column 18, lines 49-52). It would have been obvious to one of ordinary skill in the art to provide a list for unverified peer servers so that they can be avoided to prevent the download of corrupt or unknown data, as taught by Barkan in the system of Fanning-Sull-Cooper. The motivation for doing so lies in the fact that there exists a need for the ability, for safety purposes, to group unverified servers onto a list so as to facilitate prevention of using those servers. This is also well known in the art of downloading files and data transfer. All inventions are from the same field of endeavor, namely the safe and efficient transfer of data over a network.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fanning-Sull-Cooper in view of Sullivan et al. (U.S. 2002/0103940).

As per claim 4, Fanning-Sull-Cooper teaches a method for securely confirming performance of task by a peer of claim 3, but does not specifically teach the placement of

Art Unit: 2145

the server node in a black list of the requesting peer if a receipt packet fails to arrive within said maximum upload time period. Sullivan teaches the placing of servers on blacklists based on certain parameters (page 1, paragraph 0017). Since the teachings of Fanning-Sull-Cooper account for the filtering of servers by latency time, the blacklisting of these servers by these parameters would have been obvious to one of ordinary skill in the art at the time of the invention. The motivation for doing so lies in the fact that creating a blacklist for slow servers, for example, as taught by Sullivan in the system of Fanning-Sull-Cooper increases the efficiency of the invention, such that the user will know which servers to avoid in the future. All inventions are from the same field of endeavor, namely the network transmission and reception of data.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fanning-Sull-Cooper in view of Morris et al. (U.S. 6,496,851).

As per claim 8, Fanning-Sull-Cooper teaches a method for securely confirming performance of task by a peer of claim 1, but does not specifically teach that the task is an uploading task and wherein said forwarding the task to the local alias URL includes forwarding a file to be uploaded to the remote non-local backend server. Morris teaches a file transfer mechanism, where the user forwards an upload request to a peer with an alias URL, and upon acceptance, this peer uploads the file from the user (Fanning: column 9, lines 61-64; column 12, lines 44-51). It would have been obvious to include a mechanism for uploading files by request, as taught by Morris in the system of Fanning-Cooper. The motivation for doing so lies in the fact a user may desire to send files to other peers voluntarily. Morris' teaching in the system of Fanning-Sull-Cooper solves

Art Unit: 2145

this need. All teachings are from the same field of endeavor, namely, the efficient and reliable transfer of files over a network.

### ***Conclusion***

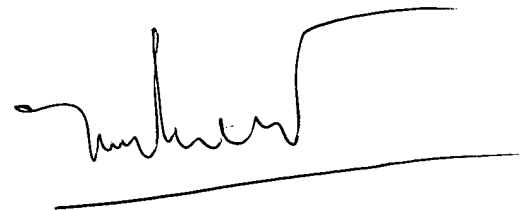
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881.

The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571/272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tanim Hossain  
Patent Examiner  
Art Unit 2141

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line.

LE HIEN LUU  
PRIMARY EXAMINER